



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 1 1 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Otto
General Manager
Norbrook Plating, Inc.
11400 East 9 Mile Road
Warren, Michigan 48089

Re: Norbrook Plating, Inc.
Administrative Consent Order EPA 5-13-113(a)-MI-01

Dear Mr. Otto:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case.

If you have any questions about the Order, please contact Ray Cullen at (312) 886-0538 or Susan Perdomo, Associate Regional Counsel, at (312) 886-0557.

Sincerely,

Sara Breneman

Sara Breneman
Chief
Air Enforcement and Compliance Assurance Section (MI/WT)

Enclosure

cc: Tom Hess, MDEQ
Chris Ethridge, MDEQ
Iranna Konanahalli, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-13-113(a)-MI-01
)	
Norbrook Plating, Inc.)	Proceeding Under Sections 113(a)(3) and 114(a)(1)
Warren, Michigan)	of the Clean Air Act, 42 U.S.C.
)	§§ 7413(a)(3) and 7414(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Norbrook Plating, Inc. (Norbrook) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Under Section 112(d) of the Act, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWWWW (Subpart WWWWWW). Subpart WWWWWW applies to the owner or operator of a plating and polishing facility that: 1) is an area source of hazardous air pollutant (HAP) emissions; 2) uses or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) among other things, is engaged in non-chromium electroplating.

3. Subpart WWWWWW, at 40 C.F.R. § 63.11507(a), in part, requires the owner or operator of an affected existing non-cyanide electroplating tank that contains one or more of the plating and polishing metal HAPs and operates at a pH less than 12 to do one of the following:

1) use a wetting agent/fume suppressant in the bath of the affected tank; 2) capture and exhaust emissions from the affected tank to a composite mesh pad, a packed-bed scrubber, or a mesh pad

mist eliminator; or 3) for a batch electrolytic process tank, use a tank cover over all of the effective surface area of the tank for at least 95 percent of the electrolytic process operating time.

4. Subpart WWWWW, at 40 C.F.R. § 63.11508(c)(1), in part, requires the owner or operator of an affected electroplating tank that contains one or more of the plating and polishing metal HAPs and is subject to the requirements in 40 C.F.R. § 63.11507(a) and who uses a wetting agent/fume suppressant to comply with this subpart to demonstrate initial compliance by 1) adding wetting agent/fume suppressant to the bath of the affected tank according to manufacturer's specifications and instructions; and 2) stating in the Notification of Compliance Status that a wetting agent/fume suppressant is added to the bath according to manufacturer's specifications and instructions.

5. Subpart WWWWW, at 40 C.F.R. § 63.11508(d)(3), in part, requires the owner or operator of an affected electroplating tank that contains one or more of the plating and polishing metal HAPs and is subject to the requirements in 40 C.F.R. § 63.11507(a) and who adds a wetting agent/fume suppressant to the tank as a separate ingredient from the other tank additives to comply with this subpart to demonstrate continuous compliance by 1) adding the wetting agent/fume suppressant in proportion to the other bath chemistry ingredients that are added to replenish the tank bath, as in the original make-up of the tank; or in proportion such that the bath is brought back to the original make-up of the tank; 2) recording each addition of wetting agent/fume suppressant to the tank bath; and 3) stating in the annual certification of compliance report that a wetting agent/fume suppressant was added to the bath according to the manufacturer's specifications and instructions.

6. Subpart WWWWW, at 40 C.F.R. § 63.11509(a), requires the owner or operator of an affected source to submit an Initial Notification that includes 1) the information specified

in 40 C.F.R. § 63.9(b)(2)(i) through (iv); and 2) a description of the compliance method for each affected source.

7. Subpart WWWW, at 40 C.F.R. §§ 63.11508(a) and 63.11509(b), requires the owner or operator of an affected source to submit a Notification of Compliance Status that includes 1) a list of affected sources and the plating and polishing metal HAP used in, or emitted by, those sources; 2) the methods used to comply with the applicable management practices and equipment standards; 3) a description of the capture and emission control systems used to comply with the applicable equipment standards; and 4) a statement by the owner or operator of the affected source as to whether the source is in compliance with the applicable standards or other requirements.

8. Subpart WWWW, at 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c), requires the owner or operator of an affected source to prepare an annual certification of compliance report that includes, in part, 1) for owners or operators of an affected electroplating tank that is subject to the requirements in 40 C.F.R. § 63.11507(a)(1), a statement that a wetting agent/fume suppressant was added to the bath according to the manufacturer's specifications and instructions; and 2) for owners or operators of an affected tank or other affected plating and polishing operation that is subject to the management practices in 40 C.F.R. § 63.11507(g), a statement that the applicable management practices have been implemented, as practicable. The annual certification of compliance report must be prepared no later than January 31 of the year immediately following the reporting period and kept in a readily-accessible location for inspector review. These reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the report must be submitted

along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period.

9. Subpart WWWW, at 40 C.F.R. § 63.11509(e), requires the owner or operator of an affected source to keep the following records: 1) a copy of the Initial Notification and Notice of Compliance Status and all documentation supporting those notifications; 2) the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv); and 3) the records required to show continuous compliance with each applicable management practice and equipment standard, as specified in 40 C.F.R. § 63.11508(d).

10. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

11. The Administrator of EPA may require any person who owns or operates an emission source to make and submit reports under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

12. Norbrook owns and operates a plating facility at 11400 East 9 Mile Road, Warren, Michigan, where it conducts nickel “electroplating” (as that term is defined at 40 C.F.R. § 63.11511) of aluminum, steel, and stainless steel.

13. The facility is an “area source of HAP emissions,” as that term is defined at 40 C.F.R. § 63.11504(a)(2).

14. Nickel is a “plating and polishing metal HAP,” as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.

15. The facility consists of six “existing” (as that term is defined at 40 C.F.R. § 63.11505(b)) electrolytic nickel tanks subject to Subpart WWWWWW, each of which operates at a pH of less than 12.

16. Norbrook owns or operates an “emission source” within the meaning of Section 114 (a)(1) of the Act, 42 U.S.C. § 7414(a)(1). Therefore, Norbrook is subject to the requirements of Section 114(a)(1).

17. On August 30, 2012, EPA issued to Norbrook a Finding of Violation alleging that it failed to control emissions from its six electrolytic nickel tanks in accordance with Subpart WWWWWW.

18. In subsequent correspondence with the company, Norbrook stated to EPA that it uses a wetting agent/fume suppressant to comply with Subpart WWWWWW but failed to keep the records and submit the notifications and reports required by the subpart.

19. Norbrook violated Subpart WWWWWW at 40 C.F.R. §§ 63.11508(a), 63.11508(c)(1), 63.11508(d)(2), 63.11508(d)(3), 63.11509(a), 63.11509(b), 63.11509(c), and 63.11509(e).

Compliance Program

20. By January 31, 2013, Norbrook must submit an Initial Notification to EPA in accordance with 40 C.F.R. § 63.11509(a) and keep a copy of the Initial Notification and all documents supporting it at the facility.

21. By January 31, 2013, Norbrook must submit a Notification of Compliance Status to EPA in accordance with 40 C.F.R. §§ 63.11508(a) and 63.11509(b) and keep a copy of the

Notification of Compliance Status and all documents supporting it at the facility. In accordance with 40 C.F.R. § 63.11508(c)(1), Norbrook must state in the Notification of Compliance Status that it adds a wetting agent/fume suppressant to the bath of its affected electrolytic nickel tanks according to the manufacturer's specifications and instructions.

22. By January 31, 2013 (and by January 31 of each year thereafter), Norbrook must prepare an annual certification of compliance report in accordance with 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c) and keep it in a readily-accessible location at the facility. In accordance with 40 C.F.R. § 63.11508(d)(3), Norbrook must state in the annual certification of compliance report that it adds a wetting agent/fume suppressant to the bath of its affected electrolytic nickel tanks according to the manufacturer's specifications and instructions. Norbrook is not required to submit the annual certification of compliance report to EPA unless a deviation from the requirements of Subpart WWWW has occurred during the reporting year, in which case, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period.

23. By the effective date of this Order, Norbrook must begin recording each addition of wetting agent/fume suppressant to the bath of its affected electrolytic nickel tanks in accordance with 40 C.F.R. § 63.11508(d)(3).

24. By the effective date of this Order, Norbrook must begin keeping the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv) and the records required to show continuous compliance with each applicable management practice and equipment standard, as specified in 40 C.F.R. § 63.11508(d), in accordance with 40 C.F.R. § 63.11509(e).

25. Norbrook must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

26. This Order does not affect Norbrook's responsibility to comply with other federal, state, and local laws.

27. This Order does not restrict EPA's authority to enforce Section 112 of the Act, 42 U.S.C. § 7412, or any other section of the Act.

28. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the Act, 42 U.S.C. § 7413, for Norbrook's violation of Subpart WWWW.

29. Failure to comply with this Order may subject Norbrook to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

30. The terms of this Order are binding on Norbrook, its assignees, and its successors. Norbrook must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

31. Norbrook may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Norbrook fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who

requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

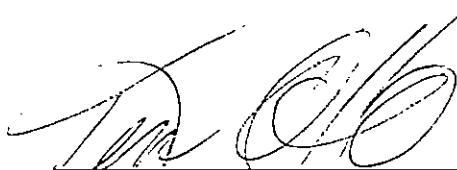
32. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

33. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

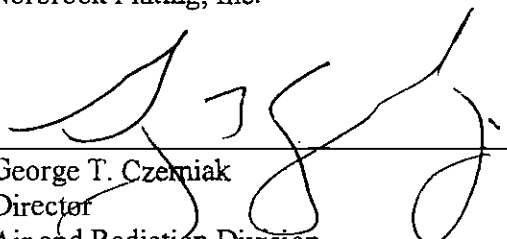
34. Norbrook agrees to the terms of this Order.

35. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Norbrook has complied with all terms of the Order throughout its duration.

1/18/13
Date


Ken Otto
General Manager
Norbrook Plating, Inc.

3/1/13
Date


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-MI-01, by certified mail, return receipt requested, to:

Ken Otto
General Manager
Norbrook Plating, Inc.
11400 East 9 Mile Road
Warren, Michigan 48089

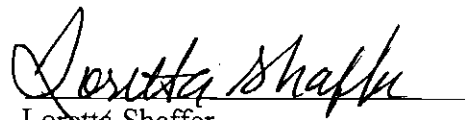
I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-MI-01, by first-class mail to:

Tom Hess
Chief
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Chris Ethridge
Supervisor
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

Iranna Konanahalli
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

on the 4th day of March, 2013.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 2674 1118